

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

D'Monterrio Gibson,

Plaintiff

vs.

Cause No. 3:23-cv-54-DPJ-FKB

Federal Express Corporation, City of
Brookhaven, Mississippi, Chief Kenny
Collins, in his Individual and Official
Capacity, Brandon Case, and Gregory Case,

Defendants.

**DEFENDANT GREGORY CASE'S MOTION TO STRIKE JOINDER OF PLAINTIFF
IN DEFENDANT FEDERAL EXPRESS CORPORATION'S RESPONSE IN
OPPOSITION TO MOTION FOR STAY OF CIVIL ACTION**

Now into Court comes Defendant Gregory Case ("G. Case"), by and through counsel, pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court, and files this his Motion to Strike the Joinder of Plaintiff in Defendant Federal Express Corporation's Response in Opposition to Motion to Stay Civil Action [38]. In support thereof, G. Case would show unto this Honorable Court the following:

1. G. Case filed his Motion for Stay of Civil Action and Memorandum Brief in Support on March 30, 2023. [25 & 26].
2. On April 10, 2023, Defendant Federal Express Corp. ("Fed Ex") filed its Response in Opposition to said motion. [29].
3. On April 26, 2023, Plaintiff D'Monterrio Gibson ("Gibson") filed his Joinder in Fed Ex's Response in Opposition asserting "all these same facts and arguments apply to Plaintiff". [38 & 29].

4. L. U. Civ.R. 7(b)(4) requires a respondent to file a response and memorandum brief in support of the response within fourteen (14) days after service of movant's motion and brief or request an extension of time in writing. L. U. Civ.R. 7(b)(4).

5. Gibson responded to G. Case's motion on April 26, 2023, thirteen (13) days after the filing deadline and failed to request an enlargement of time from the Court.

6. Gibson has, therefore, waived his opportunity to oppose G. Case's motion to stay, and the Court should consider the motion confessed with respect to Gibson.

7. Given the straightforward nature of this motion, G. Case respectfully requests to be relieved of the requirement to submit a supporting memorandum brief pursuant to L. U. Civ. R. 7(b)(4).

In accordance with the instant Motion, Defendant Gregory Case respectfully moves the Court for an order striking the Joinder [38] filed by Plaintiff D'Monterrio Gibson.

Respectfully Submitted this the 28th day of April, 2023.

GREGORY CASE, Defendant

By: The Stubbs Law Firm, PLLC

By: s/Kannan Stubbs
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CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing pleading or other paper with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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Further, I hereby certify that I have this day delivered by hand-delivery, U.S. Mail and/or electronic transmission the foregoing document to the following non-ECF participants:

None

So certified on April 28, 2023.

s/ Kannan Stubbs
KANNAN STUBBS (MSB#103492)